

REMARKS

Claim 13 is the sole independent claim and stands rejected under 35 U.S.C. § 102 as being anticipated by Laurent '044 ("Laurent"), and under 35 U.S.C. § 103 as being unpatentable over Chang '547 ("Chang") in view of Applicants' admitted prior art ("APA"). These rejections are respectfully traversed for the following reasons.

The Examiner alleges that Laurent discloses a first DRAM section including a first memory cell having a first capacitance and a second DRAM section including a second memory cell having a second capacitance. However, contrary to the Examiner's assertions, Laurent merely discloses the memory cell having a single capacitance. As shown in Figure 4 of Laurent, each memory cell comprises a pass transistor 314 and storage capacitor 312 (*see* col. 4, lines 56-58).

It appears the Examiner may have misinterpreted the characterization/reference cells described in Laurent as memory cells. That is, the Examiner references the Abstract of Laurent as allegedly disclosing DRAM sections having different capacitances, but the relied on portions of Laurent suggest only that the capacitance of capacitor 362 of characterization cell 360 is preferably different from that of the capacitor 316 of reference cell 315 (*see* Figure 4 of Laurent). However, reference cell 315 and characterization cell 360 are NOT memory cells.

It follows that Laurent also fails to disclose or suggest an operating voltage of the first DRAM section being higher than an operating voltage of the second DRAM section because the relied on "reference cell" is not a memory cell.

Even further, Laurent also fails to disclose or suggest the novel configuration of the capacitor arrangement now recited in claim 13. Indeed, Laurent is silent as to the specific capacitor arrangement (e.g., relative location, etc.). Similarly, Chang and APA are also silent as to the specific capacitor structure. Chang discloses only capacitors 54-56 having a trench structure (Figure 11), but

is silent as to corresponding elements to the specific structural arrangement of the first and second capacitive elements recited in claim 13.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Laurent does not anticipate claim 13, nor any claim dependent thereon. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejections do not "establish *prima facie* obviousness of [the] claimed invention" as recited in the claim 13 because the proposed combinations fail the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 13 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

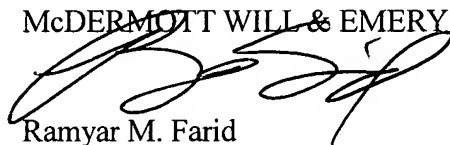
CONCLUSION

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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